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\*Admitted only in Maryland  
\*Admitted only in Virginia  
\*Practice Limited to  
Federal Agencies

August 20, 2004

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Art Unit 3763**

Re: U.S. Utility Patent Application  
Application No. 10/754,499; Filed: January 12, 2004  
For: **Container For A Medicinal Liquid**  
Inventors: Freund *et al.*  
Our Ref: 0652.1760003/TUM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Form PTO/SB/08a listing cited documents: AA1-AR1; BA1-BF1; AA2-AR2; BA2-BF2; AA3-AR3; BA3-BF3; AA4-AR4; BA4-BF4; AA5-AB5 and BA5-BE5;
3. Copies of cited documents: BB5-BE5; and
4. Return postcard.

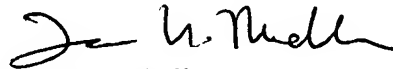
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
August 20, 2004  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

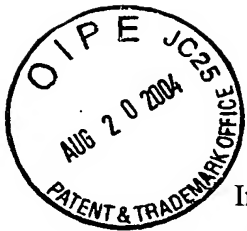
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Teresa U. Medler  
Attorney for Applicants  
Registration No. 44,933

TUM/hmb  
Enclosures

297050.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Freund *et al.*

Appl. No.: 10/754,499

Filed: January 12, 2004

For: **Container For A Medicinal Liquid**

Confirmation No.: 8272

Art Unit: 3763

Examiner: *To Be Assigned*

Atty. Docket: 0652.1760003/TUM

**Information Disclosure Statement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO/SB/08A are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO/SB/08A based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign

application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☒ 6. A concise explanation of the relevance of the non-English language documents BB5, BD5, and BE5 is provided by its respective English abstract, and figures as applicable.
- ☒ 7. Copies of documents BB5-BE5 are submitted herewith.
- ☒ 8. Copies of documents AB1-AR1; BA1-BF1; AA2-AB2; AD2-AI2; AK2, AN2-AR2; BA2-BF2; AA3-AB3; AE3; AG3-AI3; AK3-AN3; AQ3-AR3; BA3-BF3; AD4-AG4; AI4-AL4; AN4-AR4; BA4-BF4; AA5 and BA5 were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in

Application No. 09/258,357, filed February 26, 1999, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

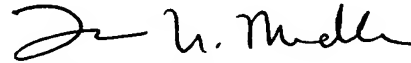
- ☒ 9. No copies of U.S. patents and patent application publications cited as AA1, AC2, AJ2, AL2, AM2, AC3, AD3, AJ3, AO3, AP3, AA4-AC4, AH4, AM4 and AB5 on the attached Form PTO/SB/08A are submitted in accordance with 1276 OG 55 because this application was filed after June 30, 2003.
- ☒ 10. It is expected that the examiner will review the prosecution and cited art in the parent application no. 09/258,357, filed: February 26, 1999 in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08A, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

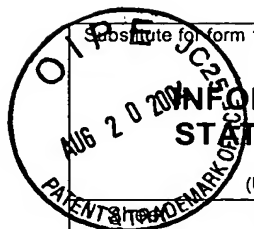


Teresa U. Medler  
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Date: 08/20/04

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Substitute for form 1449A/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

1 of 5

## **Complete If Known**

Application Number	10/754,499
Filing Date	January 12, 2004
First Named Inventor	Freund <i>et al.</i>
Art Unit	3763
Examiner Name	To Be Assigned
Attorney Docket Number	0652.1760003/TUM

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If Known)			
	AA1	3,255,972	06/14/1966	Hultgren <i>et al.</i>	
	AB1	3,878,977	04/22/1975	Carlisle	
	AC1	4,045,860	09/06/1977	Winckler	
	AD1	4,116,336	09/26/1978	Sorensen <i>et al.</i>	
	AE1	4,162,030	07/24/1979	Capra <i>et al.</i>	
	AF1	4,264,018	04/28/1981	Warren	
	AG1	4,322,020	03/30/1982	Stone	
	AH1	4,440,316	04/03/1984	Christine	
	AI1	4,457,454	07/03/1984	Meshberg	
	AJ1	4,457,455	07/03/1984	Meshberg	
	AK1	4,469,250	09/04/1984	Evezich	
	AL1	4,479,989	10/30/1984	Mahal	
	AM1	4,526,823	07/02/1985	Farrell <i>et al.</i>	
	AN1	4,559,052	12/17/1985	Babson	
	AO1	4,637,934	01/20/1987	White	
	AP1	4,732,299	03/22/1988	Hoyt	
	AQ1	4,817,830	04/04/1989	Yavorsky	
	AR1	5,004,123	04/02/1991	Stoody	

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	BA1	EP 0 114 964 B1	08/1984			
	BB1	EP 0 182 094 B1	05/1986			
	BC1	EP 0 620 165 B1	10/1994			
	BD1	EP 0 621 027 B1	10/1994			
	BE1	EP 0 635 254 B1	01/1995			
	BF1	EP 0 495 330 A1	07/1992			

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete If Known</b>	
				Application Number	10/754,499
				Filing Date	January 12, 2004
				First Named Inventor	Freund <i>et al.</i>
				Art Unit	3763
				Examiner Name	To Be Assigned
Sheet	2	of	5	Attorney Docket Number	0652.1760003/TUM

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If Known)			
	AA2	5,031,384	07/16/1991	Rebeyrolle <i>et al.</i>	
	AB2	5,102,010	04/07/1992	Osgar <i>et al.</i>	
	AC2	5,105,995	04/21/1992	Martin	
	AD2	5,129,894	07/14/1992	Sommermeier <i>et al.</i>	
	AE2	5,137,175	08/11/1992	Kowalski <i>et al.</i>	
	AF2	5,158,810	10/27/1992	Oishi <i>et al.</i>	
	AG2	5,176,178	01/05/1993	Schurter <i>et al.</i>	
	AH2	5,213,227	05/25/1993	Koyama <i>et al.</i>	
	AI2	5,242,085	09/07/1993	Richter <i>et al.</i>	
	AJ2	5,289,818	03/01/1994	Citterio <i>et al.</i>	
	AK2	5,292,033	03/08/1994	Gueret	
	AL2	5,316,135	05/31/1994	Kneer <i>et al.</i>	
	AM2	5,316,221	05/31/1994	Glover <i>et al.</i>	
	AN2	5,332,121	07/26/1994	Schmidt <i>et al.</i>	
	AO2	5,355,872	10/18/1994	Riggs <i>et al.</i>	
	AP2	5,370,272	12/06/1994	Gueret	
	AQ2	5,385,251	01/31/1995	Dunn	
	AR2	5,395,365	03/07/1995	Weiler <i>et al.</i>	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>4</sup> Kind Code <sup>5</sup> (in known)				
	BA2	EP 0 585 908 A2	03/1994			
	BB2	EP 0 654 419 A1	05/1995			
	BC2	WO 95/15895	06/1995			
	BD2	EP 0 763 482 A1	03/1997			
	BE2	DE 3446697 A1	06/1986			
	BF2	EP 0368112 A2	05/1990			

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete If Known</b> Application Number: 10/754,499 Filing Date: January 12, 2004 First Named Inventor: Freund <i>et al.</i> Art Unit: 3763 Examiner Name: To Be Assigned Attorney Docket Number: 0652.1760003/TUM	
Sheet	3	of	5		

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If Known)			
	AA3	5,421,485	06/06/1995	Furuta <i>et al.</i>	
	AB3	5,480,067	01/02/1996	Sedlmeier	
	AC3	5,497,909	03/12/1996	Wirsig <i>et al.</i>	
	AD3	5,497,944	03/12/1996	Weston <i>et al.</i>	
	AE3	5,507,409	04/16/1996	Paradine	
	AF3	5,509,578	04/23/1996	Livingstone	
	AG3	5,514,123	05/07/1996	Adolf <i>et al.</i>	
	AH3	5,520,972	05/28/1996	Ezaki <i>et al.</i>	
	AI3	5,520,975	05/28/1996	Inoue <i>et al.</i>	
	AJ3	5,579,760	12/03/1996	Kohler	
	AK3	5,642,838	07/01/1997	Stoody	
	AL3	5,730,328	03/24/1998	Maeder <i>et al.</i>	
	AM3	5,752,629	05/19/1998	Hardy	
	AN3	5,772,080	06/30/1998	de Pous <i>et al.</i>	
	AO3	5,813,570	09/29/1998	Fuchs <i>et al.</i>	
	AP3	5,833,088	11/10/1998	Kladders <i>et al.</i>	
	AQ3	5,873,491	02/23/1999	Garcia <i>et al.</i>	
	AR3	5,875,936	03/02/1999	Turbett <i>et al.</i>	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>4</sup> Kind Code <sup>5</sup> (in known)				
	BA3	WO 97/06842	02/1997			
	BB3	EP 0653359 B1	07/1997			
	BC3	EP 0812625	12/1997			
	BD3	EP 0629165 B1	04/1999			
	BE3	WO 99/43571	09/1999			
	BF3	WO 00/27543	05/2000			

Examiner Signature		Date Considered	
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				First Named Inventor	Freund <i>et al.</i>
				Art Unit	3763
				Examiner Name	To Be Assigned
Sheet	4	Of	5	Attorney Docket Number	0652.1760003/TUM

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If Known)			
	AA4	5,878,915	03/09/1999	Gordon <i>et al.</i>	
	AB4	5,893,484	04/13/1999	Fuchs <i>et al.</i>	
	AC4	5,894,841	04/20/1999	Voges	
	AD4	5,910,138	06/08/1999	Sperko <i>et al.</i>	
	AE4	5,944,217	08/31/1999	Baena	
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		Country Code <sup>4</sup> Kind Code <sup>5</sup> (in known)				
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Sheet	5	of	5	Attorney Docket Number	0652.1760003/TUM
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